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9	PEFOD	ច ការាច	
	BEFORE THE BOARD OF REGISTERED NURSING		
. 10	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA		
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12	In the Matter of the Accusation Against:	Case No. 2013-	29
13	VICTOR OCHIENG ADERA	ACCUSATION	·
. 14	25695 Horado Lane Moreno Valley, CA 92551		
15	Registered Nurse License No. 642223		
16	Respondent.		
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18	Complainant alleges:		
19	PARTIES		
20	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her		
21	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department		
22	of Consumer Affairs.		
23	2. On or about August 4, 2004, the Board of Registered Nursing issued Registered		
24	Nurse License Number 642223 to Victor Ochieng Adera (Respondent). The Registered Nurse		
25	License was in full force and effect at all times relevant to the charges brought herein and will		
26	expire on February 28, 2014, unless renewed.		
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Accusation

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JURISDICTION

- 3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.
- 4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 2761 of the Code states:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

REGULATORY PROVISIONS

7. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

- (a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.
 - (b) Failure to comply with any mandatory reporting requirements.
 - (c) Theft, dishonesty, fraud, or deceit.
- (d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

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CAUSE FOR DISCIPLINE

(Unprofessional Conduct on June 11, 2011)

- Respondent has subjected his license to disciplinary action under section 2761, 8. subdivision (a) of the Code for unprofessional conduct that is substantially related to the qualifications, functions, and duties of a registered nurse pursuant to California Code of Regulations, title 16, section 1444, subdivision (a). The circumstances are as follows:
- Shortly after midnight, on or about June 11, 2011, Respondent was at a Pasadena nightclub when he got into an altercation with a group of people. According to multiple witness statements, Respondent poured beer over the head of a female patron, grabbed her by the hair, and hit her on the head with beer bottles. The victim, a 33-year-old woman, left the club with her friends to seek assistance. The victim was transported to a local hospital and treated for lacerations to her head.
- Respondent was arrested for assault with a deadly weapon. As a result of Ъ. Respondent's arrest, charges were filed with the Los Angeles City Attorney's Office. On or about December 15, 2011, in a criminal proceeding entitled People of the State of California v. Victor Ochieng Adera, in Los Angeles County Superior Court, case number 1PS01661, Respondent paid the victim restitution in the amount of \$10,000. The criminal proceedings were then suspended, and Respondent was discharged pursuant to Penal Code sections 1377 and 1378. ///

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse License Number 642223, issued to Victor Ochieng Adera;
- 2. Ordering Victor Ochieng Adera to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: July 10, 2012 Have Jew-For LOUISE R. BAILEY, M Interim Executive Officer

Board of Registered Nursing
Department of Consumer Affairs
State of California

Complainant

SD2012703438